

PATENT

Atty Docket No.: 100111410-2

App. Ser. No.: 09/995,190

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Favorable reconsideration of this application is respectfully requested in view of the following remarks. Currently, claims 1-6 are pending of which claims 1-6 are independent. Claims 1-6 have been amended. No new matter has been introduced by way of amendment and entry thereof is, therefore, respectfully requested.

Claim 6 was rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Claims 1-6 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4-6 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cretzler (U.S. Patent Number 5,644,724) ("Cretzler") in view of Ariathurai et al. (2002/0198743) ("Ariathurai") and the Examiner's Official Notice (ON).

The above rejections are respectfully traversed for at least the reasons set forth below.

Allowable Subject Matter

Claims 1-3 were allowed provided that they are amended to comply with §112, second paragraph rejections. Accordingly, claims 1-3 have been so amended and, therefore, allowance of the claims is respectfully requested.

35 U.S.C. § 101

Claim 6 was rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

PATENT

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The Office Action states that the phrase beginning with "if a TXP-based file for the network is detected in the outbox" could be construed as a final step of the claims. In an effort to advance prosecution this phrase has been removed from claim 6.

Accordingly, the Applicants believe that claim 6 is in full compliance with the provisions of 35 U.S.C. § 101 and, therefore, withdrawal of this rejection is respectfully requested.

35 U.S.C. §112

Claims 1-6 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-6 have all been amended according to the suggestions made in the Office Action. Moreover, claims 1-6 have been further reviewed and corrected as needed.

Accordingly, the Applicants believe that claims 1-6 are in full compliance with the provisions of 35 U.S.C. § 112 and, therefore, withdrawal of this rejection is respectfully requested.

Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference

PATENT

Atty Docket No.: 100111410-2
App. Scr. No.: 09/995,190

(or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 4-6 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cretzler in view of Ariathurai and ON. This rejection is respectfully traversed because Cretzler and Ariathurai, considered singly or in combination, fail to teach or suggest the features of claims 4-6.

As suggested in the Official Action, claims 4-6 have been amended to include the allowable subject matter from claims 1-3. Accordingly, the prior art of record does not teach or suggest the features of independent claims 4-6 and, therefore, withdrawal of this rejection and allowance of the claims is respectfully requested.

PATENT

Atty Docket No.: 100111410-2

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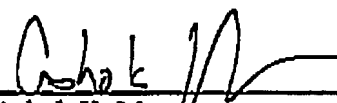
Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited. Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: August 2, 2007

By


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